

**STATE WATER RESOURCES CONTROL BOARD
RESOLUTION NO. 2017-0054**

**ESTABLISHING THE EXPEDITED CLAIM PILOT PROJECT AND
APPROVING THE EXPEDITED CLAIM PILOT PROJECT IMPLEMENTATION PLAN**

WHEREAS:

1. The State Water Resources Control Board (State Water Board) administers the Underground Storage Tank Cleanup Fund (UST Cleanup Fund) pursuant to the Barry Keene Underground Storage Tank Cleanup Trust Fund Act of 1989, commencing with section 25299.10 of the Health and Safety Code.
2. Senate Bill No. 445 (Stats. 2014, ch. 547) added section 25299.50.7 to the Health and Safety Code, created the Expedited Claim Account in the UST Cleanup Fund, and directed that \$100,000,000 be transferred from the UST Cleanup Fund to the Expedited Claim Account.
3. The State Water Board is required to establish the Expedited Claim Pilot Project (Pilot Project), with stakeholder input, and to use funding from the Expedited Claim Account to pay claims participating in the Pilot Project. The goal of the Pilot Project is to reduce the overall cost for site cleanup and the time to reach closure by increasing coordination with the responsible party, consultant, regulator, and the UST Cleanup Fund and by using multiyear budgets.
4. State Water Board staff, with stakeholder input, investigated potential methods for meeting the goals of the Pilot Project and identified over 100 claims for initial participation in the Pilot Project.
5. State Water Board staff developed, with stakeholder input, the Expedited Claim Pilot Project Implementation Plan (Implementation Plan), which includes procedures for implementation of the Pilot Project and criteria for the selection of claims to participate in the Pilot Project. Section 25299.50.7 of the Health and Safety Code provides that the procedures and criteria of the Implementation Plan are not considered regulations subject to, and are exempt from, the requirements of Government Code section 11340 et seq.
6. The State Water Board, in consultation with stakeholders, will develop metrics to forecast long-term demand on the UST Cleanup Fund.
7. On or before January 1, 2018, the State Water Board is required to prepare a report analyzing the effectiveness and efficiency of the Pilot Project in expediting the funding of claims and completions of site cleanups. In addition, the State Water Board is required to include information about the expenditure of funds transferred to the Expedited Claim Account, the amount of all claims filed by claimants participating in the Pilot Project, and the amount of reimbursements made to claimants in the Pilot Project in its UST Cleanup Fund Annual Report. The UST Cleanup Fund's Annual Report is prepared pursuant to subdivision (d) of section 25299.81 of the Health and Safety Code, which requires the State Water Board to continuously or annually post and update on the State Water Board web site information that describes the status of the UST Cleanup Fund, and to make recommendations to improve the efficiency of the UST Cleanup Fund program.

THEREFORE BE IT RESOLVED THAT:

The State Water Board:

1. Establishes the Expedited Claim Pilot Project within the UST Cleanup Fund Branch to implement the requirements of section 25299.50.7 of the Health and Safety Code.
2. Approves the [Implementation Plan](#).
3. Authorizes the Executive Director or designee to approve amendments to the Implementation Plan, with stakeholder input, consistent with section 25299.50.7 of the Health and Safety Code, and directs the Executive Director or designee to inform the State Water Board of any amendment to the Implementation Plan.

CERTIFICATION


The undersigned Clerk to the Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the State Water Resources Control Board held on September 19, 2017.

AYE: Chair Felicia Marcus
Vice Chair Steven Moore
Board Member Dorene D'Adamo
Board Member E. Joaquin Esquivel

NAY: None

ABSENT: Board Member Tam M. Doduc

ABSTAIN: None



Jeanine Townsend
Clerk to the Board